

SRA FILE #916-7001  
 UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK

ERIC OFORI and RITA GYIMA-DANSO,

Plaintiffs,

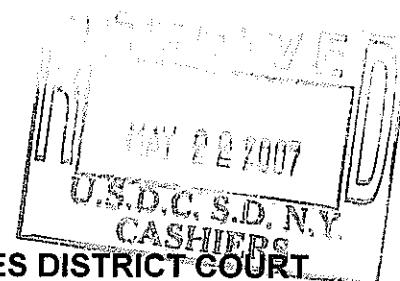
-against-

FFE TRANSPORTATION SERVICES, INC. and  
 "JOHN DOE",

Defendants.

07 CIV 3975  
 Docket No.:

**NOTICE OF REMOVAL**



**TO: THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT  
 FOR THE SOUTHERN DISTRICT OF NEW YORK**

Defendants, FFE TRANSPORTATION SERVICES, INC., hereby removes this action from the Supreme Court of the State of New York, County of New York, to the United States District Court for the Southern District of New York.

1. A civil action has been brought against Petitioners in the Supreme Court of the State of New York, County of Bronx, which is entitled Eric Ofori and Rita Gyima-Danso v . FFE Transportation Services, Inc. and "John Doe", under Index Number 14229-07. A copy of the Summons and Verified Complaint is annexed hereto as Exhibit "A". Upon information and belief defendant FFE TRANSPORTATION SERVICES, INC. received notice of this action on or about May 1, 2007.

2. The above described action is one in which the Court has original jurisdiction under the provisions of 28 U.S.C. §1332, and is one which may be removed to this Court by Petitioners herein pursuant to the provisions of 28 U.S.C. §1332(a)(2) and (c)(1) and 28 U.S.C. §1441, in that it is a civil action between a citizen of one state and a corporation which is incorporated and has its principal place of business in a

foreign state, and, an individual who is a citizen of a foreign state. Upon information and belief the matter in controversy exceeds the sum of \$75,000 exclusive of interest and costs.

3. Upon information and belief, at the time of the commencement of this action and at the filing of this Notice of Removal:

- (a) Plaintiffs are citizens of the State of New Jersey, residing in the State of New Jersey County of Bergen; and
- (b) Defendant FFE TRANSPORTATION. is a corporation organized and existing under the laws of Texas, with its principal place of business located at 1145 Empire Central Place Dallas, TX 75247-4309; and

4. Plaintiff seeks money damages for personal injuries allegedly resulting from a motor vehicle accident that allegedly took place on March 11, 2006, on the Cross Bronx Expressway at or near its intersection with 3<sup>rd</sup> Avenue Exit, County of Bronx, New York. It is alleged that plaintiff ERIC OFORI was the operator of a 1999 Jeep motor vehicle bearing New Jersey registration number PCD67L and plaintiff RITA GYIMA-DANSO was a passenger in a 1999 Jeep motor vehicle bearing New Jersey registration number PCD67L which came in contact with a 2005 tractor-trailer motor vehicle bearing Oklahoma registration number 439-7FA, owned and/or operated by Defendant FFE TRANSPORTATION SERVICES, INC.

5. Plaintiffs ERIC OFORI and RITA GYIMA-DANSO allege that as a result of this incident they sustained severe and permanent personal injuries. Upon information and belief, the damages claimed are sufficient to meet the jurisdictional minimum amount in controversy.

6. This notice of removal is timely, since it is filed within thirty (30) days of receipt of the Summons and Complaint by the defendant.

7. The defendant will promptly file a copy of this Notice in the Supreme Court of the State of New York, County of Bronx and will serve a copy of same on the plaintiff in accordance with 28 U.S.C. §1446(d).

**WHEREFORE**, Defendant FFE TRANSPORTATION SERVICES, INC. respectfully requests that the action pending against them in the Supreme Court of the State of New York, County of New Bronx be removed therefrom to this Court.

Dated: New York, New York

Yours, etc.

STRONGIN ROTHMAN & ABRAMS, LLP

  
DROR BIKEI (DB-1779)  
Attorneys for Defendant  
FFE TRANSPORTATION SERVICES, INC.  
50 Broadway, Suite 2003  
New York, NY 10004  
(212) 931-8300

TO:

LAW OFFICES OF MICHAEL M. GOLDBERG, P.C.  
31 East 32<sup>nd</sup> Street, 4<sup>th</sup> Floor  
New York, NY 10016  
(212) 481-0011  
Attorney for Plaintiffs

# EXHIBIT A

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

ERIC OFORI and RITA GYIMA-DANSO, X

Plaintiffs,

-against-

FFE TRANSPORTATION SERVICES, INC. and "JOHN DOE".

Defendants.

Plaintiffs designate Bronx County as the place of trial.

The basis of venue is:  
Location of accident.

Location of Accident:  
Cross Bronx Expressway

## County of Bronx

36878

-X

To the above named Defendants:

You are hereby summoned to answer the complaint in this action, and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance on the Plaintiff's attorney(s) within twenty days after the service of this summons, exclusive of the day of service, where service is made by delivery upon you personally within the state, or, within 30 days after completion of service where service is made in any other manner. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: New York, New York  
April 10, 2007

MICHAEL M. GOLDBERG  
Law Offices of Michael M. Goldberg, P.C.  
Attorneys for Plaintiff(s)  
ERIC OFORI AND RITA GYIMA-DANSO  
31 East 32<sup>nd</sup> Street, 4<sup>th</sup> Floor  
New York, New York 10016  
(212) 481-0011

To:

FFE TRANSPORTATION SERVICES, INC.  
3400 Stonewell  
Lancaster, TX 75334

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONXERIC OFORI and RITA GYIMA-DANSO, X

Plaintiffs,

-against-

FFE TRANSPORTATION SERVICES, INC. and "JOHN  
DOE",

Defendants.

Index No.: 14-259-07  
Date Purchased:

4/19/07

## SUMMONS

Plaintiffs designate Bronx  
County as the place of trial.The basis of venue is:  
Location of accident:Location of Accident:  
Cross Bronx Expressway

County of Bronx

X

To the above named Defendants:

You are hereby summoned to answer the complaint in this action, and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance on the Plaintiff's attorney(s) within twenty days after the service of this summons, exclusive of the day of service, where service is made by delivery upon you personally within the state, or, within 30 days after completion of service where service is made in any other manner. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: New York, New York  
April 10, 2007

MICHAEL M. GOLDBERG  
Law Offices of Michael M. Goldberg, P.C.  
Attorneys for Plaintiff(s)  
ERIC OFORI AND RITA GYIMA-DANSO  
31 East 32<sup>nd</sup> Street, 4<sup>th</sup> Floor  
New York, New York 10016  
(212) 481-0011

TO:

FFE TRANSPORTATION SERVICES, INC.  
3400 Stonewell  
Lancaster, TX 75334

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

ERIC OFORI and RITA GYIMA-DANSO,

X Index No.: 14229-07

Plaintiffs,

Date Purchased: 4/19/07

-against-

VERIFIED COMPLAINTFFE TRANSPORTATION SERVICES, INC. and "JOHN  
DOE",

Defendants.

X

Plaintiffs, by their attorneys, LAW OFFICES OF MICHAEL M. GOLDBERG, P.C.,  
complaining of the Defendants, respectfully allege, upon information and belief;

**AS AND FOR A FIRST CAUSE OF ACTION  
ON BEHALF OF ERIC OFORI**

1. At all times herein mentioned, Plaintiffs were, and still are, residents of the County of Bergen, State of New Jersey.
2. At all times herein mentioned, Defendant FFE TRANSPORTATION SERVICES, INC. was, and still is a domestic corporation duly organized and existing under and by virtue of the laws of the State of New York.
3. At all times herein mentioned, Defendant FFE TRANSPORTATION SERVICES, INC. was, and still is a foreign corporation duly authorized to do business in the State of New York.
4. At all times herein mentioned, Defendant FFE TRANSPORTATION SERVICES, INC. was the owner of a 2005 tractor trailer motor vehicle bearing Oklahoma registration number 439-7FA.
5. At all times herein mentioned, Defendant "JOHN DOE" operated the

aforementioned motor vehicle motor vehicle bearing Oklahoma registration number 439-7FA.

6. At all times herein mentioned, Defendant "JOHN DOE" operated the motor vehicle with the permission of Defendant FFE TRANSPORTATION SERVICES, INC.

7. At all times herein mentioned, Defendant "JOHN DOE" operated the aforementioned motor vehicle with the knowledge of the Defendant FFE TRANSPORTATION SERVICES, INC..

8. At all times herein mentioned, Defendant "JOHN DOE" operated the aforementioned motor vehicle with the consent of the Defendant FFE TRANSPORTATION SERVICES, INC..

9. At all times herein mentioned, Defendant "JOHN DOE" operated the aforementioned motor vehicle in the scope of his employment with Defendant FFE TRANSPORTATION SERVICES, INC.

10. At all times herein mentioned, Defendant FFE TRANSPORTATION SERVICES, INC. managed the aforesaid motor vehicle bearing Oklahoma registration number 439-7FA.

11. At all times herein mentioned, Defendant "JOHN DOE", INC. managed the aforesaid motor vehicle bearing Oklahoma registration number 439-7FA.

12. At all times herein mentioned, Defendant FFE TRANSPORTATION SERVICES, maintained the aforesaid motor vehicle.

13. At all times herein mentioned, Defendant "JOHN DOE" maintained the aforesaid motor vehicle.

14. At all times herein mentioned, Defendant FFE TRANSPORTATION SERVICES, INC. controlled the aforesaid motor vehicle.

15. At all times herein mentioned, Defendant "JOHN DOE" controlled the aforesaid motor vehicle.

16. At all times herein mentioned, Plaintiff ERIC OFORI was the operator of a 1999 Jeep motor vehicle bearing New Jersey registration number PCD67L.

*SARNDAY*

17. At all times herein mentioned, Cross Bronx Expressway at or near its intersection with 3<sup>rd</sup> Avenue Exit, County of the Bronx, State of New York, were public roadways, streets and/or thoroughfares.
18. That on March 11, 2006, Defendant "JOHN DOE" was operating the vehicle owned by FFE TRANSPORTATION SERVICES, INC. at the aforementioned location.
19. That on March 11, 2006, Plaintiff ERIC OFORI was operating his motor vehicle at the aforementioned location.
20. That on March 11, 2006, at the aforementioned location, the motor vehicle owned by Defendant FFE TRANSPORTATION SERVICES, INC. and operated by Defendant "JOHN DOE" struck the motor vehicle operated by Plaintiff ERIC OFORI.
21. That as a result of the aforesaid contact, Plaintiff ERIC OFORI was injured.
22. That the aforesaid occurrence was caused wholly and solely by reason of the negligence of the Defendants without any fault or negligence on the part of the Plaintiff contributing thereto.
23. That Defendants were negligent, careless and reckless in the ownership, operation, management, maintenance, supervision, use and control of the aforesaid vehicle and the Defendants were otherwise negligent, careless, reckless and grossly negligent under the circumstances then and there prevailing.
24. That by reason of the foregoing, Plaintiff ERIC OFORI sustained severe and permanent personal injuries; and Plaintiff ERIC OFORI was otherwise damaged.
25. That this action falls within one or more of the exceptions set forth in CPLR §1602.
26. That by reason of the foregoing, Plaintiff ERIC OFORI has been damaged in a sum which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**AS AND FOR A SECOND CAUSE OF ACTION  
ON BEHALF OF RITA GYIMA-DANSO**

27. Plaintiff RITA GYIMA-DANSO repeats, reiterates and realleges each and every allegation contained in the First Cause of Action with the same force and effect as though set forth herein at length.
28. That at all times hereinafter mentioned, Plaintiff RITA GYIMA-DANSO was a passenger in a 1999 Jeep motor vehicle bearing New Jersey registration number PCD67L.
29. At all times herein mentioned, Cross Bronx Expressway at or near its intersection with 3<sup>rd</sup> Avenue Exit, County of the Bronx, State of New York, were public roadways, streets and/or thoroughfares.
30. That on the March 11, 2006, at the aforementioned location, the aforementioned motor vehicles were involved in a collision.
31. That as a result of the aforesaid contact, Plaintiff RITA GYIMA-DANSO was injured.
32. That the aforesaid occurrence was caused wholly and solely by reason of the negligence of the Defendants without any fault or negligence on the part of the Plaintiff RITA GYIMA-DANSO contributing thereto.
33. That Defendants were negligent, careless and reckless in the ownership, operation, management, maintenance, supervision, use and control of the aforesaid vehicle and the Defendants were otherwise negligent, careless, reckless and grossly negligent under the circumstances then and there prevailing.
34. That by reason of the foregoing, Plaintiff RITA GYIMA-DANSO sustained severe and permanent personal injuries; and Plaintiff RITA GYIMA-DANSO was otherwise damaged.
35. That this action falls within one or more of the exceptions set forth in CPLR §1602.
36. That by reason of the foregoing, Plaintiff RITA GYIMA-DANSO has been

damaged in a sum which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**WHEREFORE**, Plaintiff(s) demand(s) judgment against the Defendants herein on all causes of action, in a sum exceeding the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with the costs and disbursements of this action.

Dated: New York, New York  
April 10, 2007

Yours, etc.

  
MICHAEL M. GOELBERG  
Law Offices of Michael M. Goldberg, P.C.  
Attorneys for Plaintiff(s)  
ERIC OFORI AND RITA GYIMA-DANSO  
31 East 32<sup>nd</sup> Street  
4<sup>th</sup> Floor  
New York, New York 10016  
(212) 481-0011  
Our File No. 06-1064

**ATTORNEY AFFIRMATION**

STATE OF NEW YORK,  
COUNTY OF NEW YORK

I, MICHAEL M. GOLDBERG, am an attorney licensed to practice law in the State of New York. I am over the age of 18 years and am not a party to this action.

I have read the annexed COMPLAINT and know the contents thereof, and the same are true to my knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters I believe them to be true. My belief as to those matters therein not stated upon knowledge, is based upon facts, records, and other pertinent information contained in my personal files. The reason that this Complaint is verified by myself and not the Plaintiff is because the Plaintiff is not currently in this County.

Dated: NEW YORK, NEW YORK  
April 10, 2007

MICHAEL M. GOLDBERG, ESQ.



SRA FILE #916-7001

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x

ERIC OFORI and RITA GYIMA-DANSO,

Docket No.:

Plaintiffs,

**VERIFICATION**

-against-

FFE TRANSPORTATION SERVICES, INC. and  
"JOHN DOE",

Defendants.

-----x

STATE OF NEW YORK )  
                          )SS.:  
COUNTY OF NEW YORK )

DROR BIKEL, being duly sworn, deposes and says:

1. I associated with the firm of STRONGIN ROTHMAN & ABRAMS, LLP, attorneys for defendants; that I have read the foregoing Petition for Removal, and that the statements contained therein are true in substance and to my knowledge.

Dated: May 21, 2007



DROR BIKEL (DB-1779)